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## PATENT COOPERATION TREATY

PCT

## NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

United States Patent and Trademark  
Office  
(Box PCT)  
Crystal Plaza 2  
Washington, DC 20231  
ETATS-UNIS D'AMERIQUE

in its capacity as elected Office

<b>Date of mailing</b> (day/month/year) 27 July 1998 (27.07.98)	
<b>International application No.</b> PCT/IB96/01410	<b>Applicant's or agent's file reference</b> P 1099
<b>International filing date</b> (day/month/year) 10 December 1996 (10.12.96)	<b>Priority date</b> (day/month/year)
<b>Applicant</b> HANSEN, Hans-Jürgen	

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International Preliminary Examining Authority on:  
30 June 1998 (30.06.98)

☐ in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was  
☐ was not

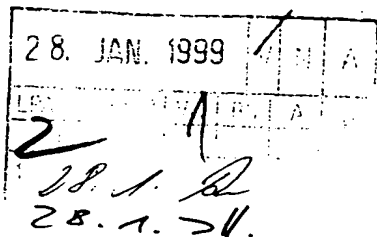
made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

<b>The International Bureau of WIPO</b> 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No.: (41-22) 740.14.35	<b>Authorized officer</b> C. Cupello Telephone No.: (41-22) 338.83.38
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From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

E. BLUM & Co.  
Vorderberg 11  
8044 ZÜRICH  
SUISSE



PCT

NOTIFICATION OF TRANSMITTAL OF  
THE INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT

(PCT Rule 71.1)

Date of mailing  
(day/month/year)

26.01.99

Applicant's or agent's file reference  
P 1099

IMPORTANT NOTIFICATION

International application No.  
PCT/IB96/01410

International filing date (day/month/year)  
10/12/1996

Priority date (day/month/year)  
10/12/1996

Applicant

KANTON ZÜRICH VERTRETEN DURCH DIE ..... et al.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

Name and mailing address of the IPEA/

 European Patent Office  
D-80298 Munich  
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Fax: (+49-89) 2399-4465

Authorized officer

Oberhauser, A

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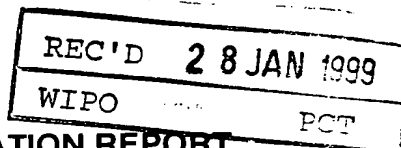


D9/319 50

19

## PATENT COOPERATION TREATY

PCT



## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P 1099	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (PCT/IPEA/416)	
International application No. PCT/IB96/01410	International filing date (day/month/year) 10/12/1996	Priority date (day/month/year) 10/12/1996
International Patent Classification (IPC) or national classification and IPC G11B7/24		
Applicant KANTON ZURICH VERTRETEN DURCH DIE ..... et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.



2. This REPORT consists of a total of 4 sheets, including this cover sheet.

- ☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 12 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☒ Certain defects in the international application
- VIII ☒ Certain observations on the international application

Date of submission of the demand 30/06/1998	Date of completion of this report 26.01.99
Name and mailing address of the IPEA/   European Patent Office D-80298 Munich Tel. (+49-89) 2399-0. Tx: 523656 epmu d Fax: (+49-89) 2399-4465	Authorized officer  Hillebrecht, D  Telephone No. (+49-89) 2399-8168 

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/IB96/01410

## I. Basis of the report • •

1. This report has been drawn on the basis of (*substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.*):

### Description, pages:

1-42,44,45,50,      as originally filed  
51

43,46-49      as received on      09/09/1998      with letter of      04/09/1998

### Claims, No.:

1-15,16 (part)      as received on      09/09/1998      with letter of      04/09/1998

16 (part),17-25      as received on      12/01/1999      with letter of      08/01/1999

### Drawings, sheets:

1/2,2/2      as originally filed

2. The amendments have resulted in the cancellation of:

- ☐ the description,      pages:
- ☐ the claims,      Nos.:
- ☐ the drawings,      sheets:

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

4. Additional observations, if necessary:

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. PCT/IB96/01410

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Yes:	Claims	1-15,17-25
	No:	Claims	16
Inventive step (IS)	Yes:	Claims	1-25
	No:	Claims	
Industrial applicability (IA)	Yes:	Claims	1-25
	No:	Claims	

**2. Citations and explanations**

**see separate sheet**

**VII. Certain defects in the international application**

The following defects in the form or contents of the international application have been noted:

**see separate sheet**

**VIII. Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

**see separate sheet**

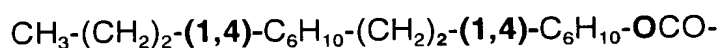
**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT - SEPARATE SHEET**

---

International application No. PCT/IB96/01410

V. The present application does not meet the criterion set forth in Article 33(2) PCT because the subject-matter of claim 16 is not new in respect of the prior art as defined in the regulations (Rule 64(1)-(3) PCT).

1. The disclaimer at page 54b, lines 34 to 37 appears to comprise clerical errors. The group at position 2 should obviously read:



Compound 6 of D4 was thus not properly disclaimed and is therefore still within the scope of the claim.

2. Moreover, those heptalenes comprising a lactone moiety (annelated furanones) and the compound of D8 are considered to be included in the wording of the present claims, since the claim does not exclude the possibility that two substituents may form a ring. It is therefore considered that this possibility is implicitly enclosed. This examining authority acknowledges that an alkyl group is defined as an alkane, from which one hydrogen atom has been removed. However, present claims includes not only C<sub>1</sub> to C<sub>2</sub> alkyl groups but also substituted alkyl groups, which allow substitution of further hydrogen atoms.

VII. The specification was not adapted to the claims to be filed.

Contrary to the requirements of Rule 5.1 (a)(ii) PCT, the relevant background art disclosed in D1 to D6 is not mentioned in the description, nor are these documents identified therein.

VIII. The application does not comply with Article 6 PCT for the following reasons:

The formulae in claim 19 do not comprise an index "n", although said index is mentioned in the claim.

# INTERNATIONAL SEARCH REPORT

Intern al Application No  
PCT/IB 96/01410

A. CLASSIFICATION OF SUBJECT MATTER  
IPC 6 G11B7/24 C07C69/753

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)  
IPC 6 G11B C07C

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	HELVETICA CHIMICA ACTA, vol. 77, 1994, BASEL CH, pages 1940-1968, XP002039067	17
A	HANSEN H-J ET AL: see the whole document	1
X	HELVETICA CHIMICA ACTA, vol. 70, 1987, BASEL CH, pages 742-759, XP002039068	17
A	HANSEN H-J ET AL: see the whole document	1
X	HELVETICA CHIMICA ACTA, vol. 68, 1985, BASEL CH, pages 429-438, XP002039069	17
A	HANSEN H-J: ---	1
	-/-	

☒ Further documents are listed in the continuation of box C.

☐ Patent family members are listed in annex.

### \* Special categories of cited documents :

- "A" document defining the general state of the art which is not considered to be of particular relevance
- "E" earlier document but published on or after the international filing date
- "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- "O" document referring to an oral disclosure, use, exhibition or other means
- "P" document published prior to the international filing date but later than the priority date claimed

- "T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- "X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- "&" document member of the same patent family

Date of the actual completion of the international search

27 August 1997

Date of mailing of the international search report

22.09.97

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Authorized officer

Heywood, C



# INTERNATIONAL SEARCH REPORT

Intern al Application No

PCT/IB 96/01410

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	TETRAHEDRON LETTERS, vol. 27, no. 15, 1986, OXFORD GB, pages 1669-1672, XP002039070 K HAFNER ET AL: see the whole document ---	17
X	TETRAHEDRON LETTERS, vol. 27, no. 15, 1986, OXFORD GB, pages 1673-1676, XP002039071 K HAFNER ET AL: see the whole document ---	17
L	HELVETICA CHIMICA ACTA, vol. 79, no. 8, 11 December 1996, BASEL CH, pages 2282-2315, XP002039072 HANSEN H-J ET AL: see the whole document -----	1